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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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ROXIE JACOBS,

Plaintiff,

v.

BALLARD EXPLORATION CORP.,  
*et al.*,

Defendants.

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CIVIL ACTION NO. 1:18-CV-469

**MEMORANDUM ORDER ADOPTING**

Pursuant to 28 U.S.C. § 636 and the Local Rules for the United States District Court for the Eastern District of Texas, this matter was referred to United States Magistrate Judge Keith F. Giblin for entry of findings and recommendation on case-dispositive motions and determination of non-dispositive matters. On January 17, 2019, Judge Giblin entered his report and recommendation (#8) recommending that the District Court grant the defendant's motion to dismiss Plaintiff's claim under 42 U.S.C. § 1981. Judge Giblin further recommended that the Court remand Plaintiff's remaining state law claims to the 253rd Judicial District Court of Liberty County, Texas, from which they were removed.

To date, the parties have not filed objections to the report. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court conducted a *de novo* review of the magistrate judge's report and the record in this cause. The Court agrees with the Magistrate Judge's findings and conclusions and adopts Judge Giblin's report as the findings and conclusions of the Court.

The Court therefore **ORDERS** that Judge Giblin's Report and Recommendation (#8) is **ADOPTED** and the Defendant's Motion to Dismiss for Failure to State a Claim (#3) is

**GRANTED.** Pursuant to Judge Giblin's recommendation, it is further **ORDERED** that Plaintiff's Section 1981 claim is **DISMISSED**, without prejudice.

The Clerk is further **DIRECTED** to **REMAND** the remainder of Plaintiff's claims to the 253rd Judicial District Court of Liberty County, Texas, from which they were removed, in accordance with the usual procedure provided by the Local Rules for the Eastern District of Texas.

The Clerk is directed to **CLOSE** this case upon remand.

**Signed this date**

**Apr 17, 2019**

A handwritten signature in cursive script that reads "Marcia A. Crone". The signature is written in black ink and is positioned above a horizontal line.

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE